

EXHIBIT E



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**FOR SETTLEMENT PURPOSES ONLY
SUBJECT TO FEDERAL RULE OF EVIDENCE 408**

August 6, 2020

James M. Littleton
Littleton Claims Service, Inc.
28 Kansas St., Ste. 2D
Frankfort, IL 60423

VIA UPS 2ND DAY AIR

Re: Consumer Confusion between The Littleton Group and Littleton Claims Service

Dear Mr. Littleton:

Our firm represents The Littleton Group Western Division, Inc. ("TLG") in trademark and unfair competition matters. TLG owns the U.S. trademark registration for THE LITTLETON GROUP, U.S. Reg. No. 6111686 (registration certificate attached as **Exhibit A**), for use in connection with a wide variety of insurance services and staffing services.

We write to you to bring to your attention several instances of actual confusion by consumers of TLG and LCS. Littleton Claims Service, Inc.'s ("LCS") use of LITTLETON, a logo that is confusingly similar to TLG's, along with changes made to LCS's website that mimic TLG's website, including the dominant use of a nearly identical blue color scheme, are responsible for this confusion. Such actions amount to unfair competition and infringement of TLG's registered and common law trademarks.

TLG has been providing insurance claims related services using the trademark THE LITTLETON GROUP since 1979. Over its 40 years of existence, TLG has expanded its business to employ over 200 insurance professionals and provide insurance services to clients nationwide – including independent adjusting services offered through 22 offices in multiple states. As such, TLG and THE LITTLETON GROUP trademark have acquired significant goodwill and recognition from consumers through such extensive and continuous use.

TLG's ownership of a federal trademark registration for THE LITTLETON GROUP is evidence of the validity of the trademark and its exclusive right to use THE LITTLETON GROUP in the United States in connection with insurance and staffing services. See *15 U.S.C. § 1115*. TLG is entitled to seek injunctive relief, damages, and other remedies against others that use its trademarks

To maintain the strength and distinctiveness of its trademarks under U.S. law, TLG must diligently protect its marks against the use of similar marks for identical or related goods and services. As the United States Court of Appeals for the Eleventh Circuit held, “where there is a lack of third-party use, the mark’s strength is enhanced, as it is more distinctive, and therefore more easily recognized by consumers.” *Frehling Enterprises, Inc. v. Int'l Select Grp., Inc.*, 192 F.3d 1330, 1336 (11th Cir. 1999).

The word marks are confusingly similar, as the only component with source-identifying significance is LITTLETON; “group” and “claims” being descriptive terms that are commonly used in the names of service providers in the insurance industry. The logo uses a confusingly similar circular design element with an element in the middle and an opening on the right side, with the word portion falling directly to the right of that design focusing on the word LITTLETON. The colors are nearly identical, albeit inverted. The websites both display a narrow horizontal bar running across the top of the page, in an almost identical width and color. Directly beneath that first bar is a second horizontal bar of nearly identical width, using a similar overall color scheme with similar placement of the similar logos. The selection and placement of menu headers is nearly identical. The font used in the LCS logo and on the current version of the LCS website is highly similar or identical to the one used by TLG in its logo, particularly visible in the “t” and “L” characters. See **Exhibit B**. As the first place consumers look when searching for a company is its website, it is not surprising that consumer confuse LCS and TLG, or mistakenly believe the companies are related or affiliated.

TLG is aware of at least 3 instances of customers confusing TLG and LCS in the past 2 months. This includes payments by adjusters to the wrong party, misdirected claim inquiries, and the attendant customer service issues. This ultimately leads to wasted resources and customer confusion, neither being in the best business interests of either TLG or LCS.

TLG implemented its logo and website design prior to any use of the current LCS logo or website. Regardless of intent, this redesign of the LCS website to use a nearly identical color scheme, and the adoption of a confusingly similar logo, has led to the instances of actual confusion by consumers described above, who believe that TLG and LCS are the same entity, or are otherwise affiliated. TLG notes the stark differences in LCS’s website before the redesign - the overall design, the color scheme, the absence of the current logo, the font, and the use of “Littleton Claims Service, Inc.” as the business name presented to the public – as shown in the attached **Exhibit C**.

Because of the confusingly similar nature of the name, logo, and websites described above, and the fact that TLG and LCS provide identical or overlapping services, the continued use by LCS of these marks will perpetuate the consumer confusion that already exists and ultimately damage TLG’s valuable trademark rights. Continued use with knowledge of TLG’s rights will support a showing of willful infringement, allowing TLG to seek additional remedies and damages if it is required to enforce its rights.

Ultimately, TLG hopes to resolve this matter amicably without resorting to litigation. However, absent action from LCS it will not hesitate to take the steps needed to enforce its rights and remedy the confusion. To resolve this matter, LCS must cease use of "LITTLETON CLAIMS" as the primary business name presented to the public, cease use of the current logo, and modify its website and marketing, advertising, and promotional material to avoid use of a confusingly similar presentation, including, but not limited to, changing the font and color scheme.

If LCS is willing to cooperate and work with TLG to remedy the confusion and cease its use of TLG's trademarks, TLG is willing to waive any claims to damages and will provide LCS with ample time to make the requested changes.

TLG would appreciate a response to the proposal outlined above no later than **Friday, August 21, 2020**. If we do not hear from you, we will assume that LCS is not interested in resolving this matter amicably and TLG will be forced to consider legal action to enforce its trademark rights.

Nothing contained in this letter, nor any act or omission by TLG, its staff, or representatives is intended or should be deemed to be a waiver, abridgment, alteration, modification or reduction of any rights or remedies which TLG may have regarding this matter, and all rights and remedies, whether at law or in equity, are hereby expressly reserved.

Sincerely,



Christian Sado, Esq.
Gerben Law Firm, PLLC
csado@gerbenlawfirm.com

EXHIBIT A

United States of America
United States Patent and Trademark Office

THE LITTLETON GROUP

Reg. No. 6,111,686

Registered Jul. 28, 2020

Int. Cl.: 35, 36

Service Mark

Principal Register

The Littleton Group Western Division, Inc. (TEXAS CORPORATION)
1250 S Capital Of Texas Hwy, Bldg 1
West Lake Hills, TEXAS 78746

CLASS 35: Professional staffing services; Temporary personnel services; Temporary employment agencies; Employment staffing in the field of insurance; Employment agency services, namely, temporary placement of insurance professionals; Employment agency services, namely, filling the temporary and project staffing needs of businesses; Recruitment and placement of personnel in the field of insurance; Providing statistical evaluation of insurance claims performance measures for others

FIRST USE 3-00-1999; IN COMMERCE 3-00-1999

CLASS 36: Insurance administration; Insurance claims administration; Insurance claims processing; Insurance subrogation; Insurance information; Insurance consultancy services, namely, providing advice in the field of property and casualty insurance; Insurance risk management; Assessing insurance claims; Insurance administration services, namely, assisting others with adjusting insurance claims; Claims adjustment in the field of insurance; Appraisals for insurance claims of personal property; Appraisals for insurance claims of real estate; Electronic processing of insurance claims and payment data; Reimbursement payment processing in the field of insurance claims; Insurance services in the nature of loss control management for others

FIRST USE 3-00-1999; IN COMMERCE 3-00-1999

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"GROUP"

SEC.2(F)

SER. NO. 88-647,390, FILED 10-09-2019



Andrei Kurn

Director of the United States
Patent and Trademark Office





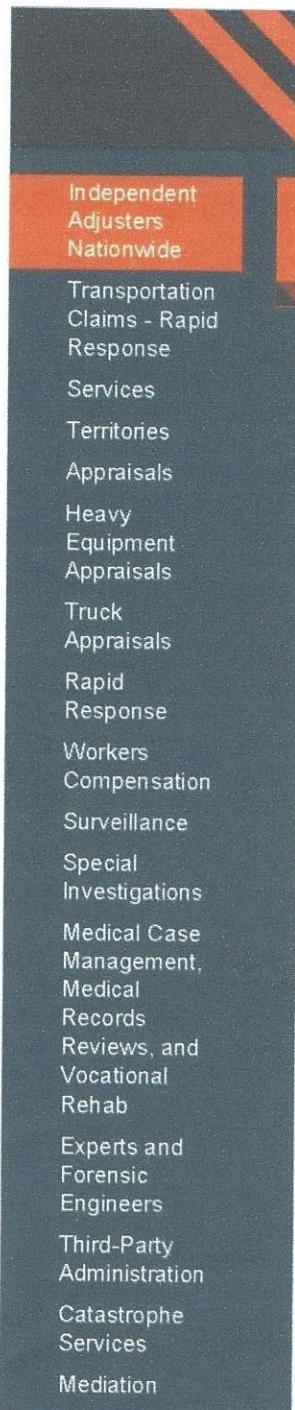
The screenshot shows the Littleton Claims website. At the top, there are contact details: a phone icon with '815 464 8806', a fax icon with 'Fax: 708 570 0925', and an email icon with 'assignments@littletonclaims.com'. The Littleton Claims logo, featuring a stylized white 'L' and 'C' with the text 'Littleton Claims' in white, is on the left. A navigation bar with 'Services', 'About Us', 'Find an Adjuster', and 'Submit Assignment Nationwide' is at the top right. Below the navigation, a large image shows a man in a suit and a woman in a pink top shaking hands. To the left of the handshake, text reads 'Independent Insurance Adjusters with superior, convenient and fast service'. Below this, a yellow box contains the text 'Serving all 50 states in the USA, all Canadian provinces and territories, and global.' and 'Submit Assignment Nationwide & Globally' with a 'Get Started' button. The bottom section is titled 'Independent Adjuster Firm: Nationwide and Globally' and lists five service features with icons: a map of the USA for 'All 50 states and Canada, as well as Worldwide Network'; a smartphone for 'All phone calls answered by a Claims Supervisor'; a computer monitor for 'All emails are responded to instantly'; a location pin for 'A convenient one-stop source for your needs'; and a clock for 'Seamless and timely reporting'.

FRE 408 Communication
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EXHIBIT B

The image shows a screenshot of a web page comparing two websites: The Littleton Group and Littleton Claims. At the top, a blue banner reads "For all COVID-19 related Business Interruption Claims, click here." Below this, the "TLG The Littleton Group" logo is on the left, and a navigation menu with links to "ABOUT US", "IA SERVICES", "TPA", "SERVICES", "LOCATIONS", and "SUBMIT A CLAIM" is on the right. The main content area shows two side-by-side versions of a website. The left version is for "Littleton Claims" and the right version is for "The Littleton Group". Both versions feature a blue header with the company name and a white footer with contact information: 815.464.8806, Fax: 708.570.0925, and assignments@littletonclaims.com. The Littleton Claims version also includes links for "Services", "About Us", "Find an Adjuster", and "Submit Assignment Nationwide".

EXHIBIT C



Independent Claims Adjusters Nationwide

**Independent Claims
Adjusters Nationwide**

**Independent Multi-line Property
& Casualty Insurance Claims
Adjusters & Appraisers you can
count on.**

**National (All 50 states in USA as
well as all Canadian provinces
and territories - We also offer a
worldwide network.)**

We also offer national CATASTROPHE services.
We service the insurance and self-insured claim
industry.

Make us your convenient one-stop insurance adjusting
and appraisal service provider.

Professional, fair insurance claims adjusting,
every time.

22nd year in business!

*We are not a fancy anonymous
website, nor a smoke and mirrors
company. We are a real, get the job
done right every time type of
international company since 1994. Get
your loss off your desk and onto ours
and you will not be disappointed in
entrusting your assignment to us.*



Become one of our many happy clients:

You are awesome. - Shelley, VP Claims Management

I will be ringing your phone off the hook! And, of course, the quality of your investigations will make it a sure thing that I will be engaging your company again for any future assignments. -Ginny B., Claims Examiner

Great job on the this case. - Linda B., CLAIMS MANAGEMENT

See many more.

Contact Us Today!

Centralized Phone #s:

Business Hours: 815-464-8806

After business hours emergencies: 727-278-8328

Centralized General Email for nationwide
and worldwide new assignments and correspondence

littletonclaims@gmail.com

Centralized Fax #: 708-570-0925